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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,631	07/12/2000	John Dennis Hilgren	163.1382US01	2124

23552 7590 11/03/2004

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EXAMINER	
PAK, JOHN D	

ART UNIT	PAPER NUMBER
1616	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/844,083	7/12/00	Hilgren	

EXAMINER	
PAK, J	
ART UNIT	**PAPER**
1616	10292994

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In applicant's IDS of 5/10/04, applicant cited and provided a copy of Chemical abstracts 125:56587. The disclosure there is most relevant to the examination of the claimed subject matter in this application. The cited abstract discloses that an aqueous solution of hydrogen peroxide, acetic acid, peroxyacetic acid, octanoic acid, peroxyoctanoic acid, sodium 1-octanesulfonate, and 1-hydroxyethylidene-1-diphosphosphonic acid is an FDA approved substance as a sanitizing solution for use on food processing equipment, including food contact surfaces. This is highly relevant because those are the same exact ingredients and features required or present in the instant application claims. The only thing missing is the amounts and proportions of the ingredients.

(1) In response to this requirement, please provide a copy of the original source article for the above noted abstract.
(2) In response to this requirement, please provide the names of any products that have incorporated the disclosed prior art. Information such as concentration amounts and relative proportions of the composition ingredients are critical.
(3) In response to this requirement, please provide additional information as to the FDA approved solution. Since it contains the same exact ingredients for the same use as applicant's invention, applicant is presumed to be in the best position to have information pertaining to said FDA approved solution, including concentration amounts, proportions, and related technical, industrial or patent documents that describe or disclose the FDA approved solution.

See 37 CFR 1.105(a)(1)(iv), (vii); MPEP 704.11(a), examples (D), (E), (F) and (I).

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

It is noted for the record that the Examiner made an initial request for additional information concerning the aforementioned Chemical abstracts during a telephone conversation with applicant's attorney, Mr. Skoog, on 10/28/2004. This Office action is a formalized requirement, with additional details for the requirement, which are set forth above.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is (571)272-0620. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Gary Kunz, can be reached on (571)272-0887. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

JOHN PAK
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GROUP 160

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